



**Testimony of Project Vote
In Opposition to House Bill 5061
Michigan Senate Local Government and Elections Committee
May 2, 2012**

Project Vote submits this testimony in opposition to House Bill 5061. Project Vote is a national nonpartisan, nonprofit organization that promotes voting in historically underrepresented communities. Through its research, advocacy, and direct legal services, Project Vote works to ensure that these constituencies are fully able to participate in American civic life by registering and voting.

HB 5061 would require that picture ID be provided in order for a voter to pick up an absentee ballot in person. If the voter does not have photo ID, he will be able to obtain a ballot through the affidavit process, but that ballot will be automatically treated as a challenged ballot. Project Vote opposes this bill with respect to both the requirement of photo ID and the automatic challenge if ID is not provided.

First, contrary to popular conception, photo ID is costly and difficult to obtain. In order to obtain a state identification card, Michigan residents must produce no fewer than five documents to prove their identity, legal presence in the United States, Social Security status, and residency in Michigan. No one document can be used for two things: as an example, even though a passport demonstrates both U.S. citizenship and identity, the Secretary of State's office will not permit it to be used for both.

Proving legal presence is the most difficult and expensive of these requirements. As required by the Secretary of State, a birth certificate (i.e., a certified copy with a raised seal) can cost anywhere from \$10 to \$45, depending on the source of the record. For those born out of state, the cost can be even higher.

In addition, because a birth certificate is a restricted record in Michigan, there are more hoops to jump through to obtain one. First, only the subject of a birth certificate or the subject's parent may request a copy of the record. Second, to obtain a copy of a birth certificate, the requester must produce a government-issued photo ID. This is an obvious "Catch-22": one must have an ID to obtain the birth certificate needed to obtain an ID.

There are also barriers in time and access. The person requesting government-issued ID must be able to get to a Secretary of State's office. In the Upper Peninsula, there is typically one office per county. Even in metropolitan areas, the Secretary of State's offices are often not even on bus lines, so the individual seeking an ID must rely on someone else to take her to the branch office.

The difficulties of obtaining ID are real. Through the Detroit Action Commonwealth, University of Michigan students have assisted over 1,000 low income Detroiters in obtaining state-issued

photo ID. Their professor (and board chair at the affiliated Harriet Tubman Center), Dr. Greg Markus, states that assembling documents for these folks can take two to three months and often costs more than \$50. In an extreme case, it took *two years* to obtain the documents needed for ID for a 62-year-old Detroit woman, who was born in rural South Carolina.

These barriers are not limited to low income or indigent people. At a recent ACLU event, an elderly gentleman from Bloomfield explained that obtaining the necessary birth certificate for an ID would cost him \$100. He was born in Ohio and would have to make his request in person.

House Bill 5061 is objectionable not only because of its reliance on photo IDs, but also because it creates two classes of absentee voters and demeans the value of an individual's vote. The two classes of voters result from the fact that an individual who mails in his request for an absentee ballot will be able to vote without providing photo ID. On the other hand, an individual who appears in person is the one whose vote is automatically challenged.

The bill also creates two classes among those who use the affidavit process. The ballots of those who vote at the polls using an affidavit to establish identification are *subject to challenge*. Under this bill, those who vote absentee after picking up a ballot in person are *automatically* challenged.

There is no principled reason for these distinctions. Furthermore, this automatic challenge sets up a presumption of ineligibility on the part of a voter using the affidavit, a presumption which is prohibited by the Michigan Supreme Court. The Court observed in *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich. 1, 16, n.28, 740 N.W.2d 444, 452 (2007), that the use of the affidavit process, "without more," does not "present[] a challenger with 'good reason to suspect' that the voter is not a registered elector of a precinct."

The average voter will not know that a challenged ballot is typically a counted ballot. Labeling a ballot as challenged raises a reasonable inference of second class treatment by the voter and thus undermines confidence in the election process. The automatic challenge demeans the value of the individual's vote. At a time when lack of voter participation is a pressing public policy issue, this measure sends Michigan in the wrong direction.

Democracy works best when every citizen participates. This bill creates unnecessary barriers and discourages participation. Project Vote urges you to vote against House Bill 5061.

Thank you for your consideration of this testimony. Project Vote will be happy to provide any further assistance you might need in your consideration of this bill.